

**PLANNING COMMISSION MINUTES**  
**OCTOBER 7, 1997**

Present: Chairman Dean Jolley, Vice-Chairman Lois Williams, Dick Drescher, Dean Thurgood, Ken Cutler, Mark Green, City Council Representative Sam Fowler, City Attorney Rusty Mahan, City Engineer Paul Rowland, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Dean Jolley welcomed all those present. Ken Cutler made a motion to approve the minutes for September 2, 1997 and September 16, 1997 as written. Dick Drescher seconded the motion and voting was unanimous.

**Site Plans**

1. Consider preliminary site plan approval for 10 condominiums in the Carriage Crossing Condominiums, TDA Properties, owner.

Rusty Mahan mentioned that he received a phone call today from Keith Call, attorney for Carriage Crossing Home Owners Association, that Carriage Crossing has filled with the district court a temporary restraining order against Bountiful City and TDA Properties. This court order is only for 10 days and a hearing is set for October 16, 1997. Until the City hears from the courts, this issue cannot be heard. Because of this court order this proposal has been postponed until further notice.

2. Consider conceptual approval of the newly annexed Glade Property.

Blaine Gehring explained that there is 344 acres involved with this property. Mr. Marshall has made a video which will show what the property looks like. Mr. Gehring mentioned that what is being looked at is a conceptual approval of what is being proposed. There are some concerns that need to be talked about.

Ron Marshall, developer, explained that the annexation of this property has been completed and is zoned R-1-12 (F). Mr. Marshall is asking for conceptual approval so the preliminary drawings can be made. There will be an attractive entrance to the property. Some of the areas will have nice size lots but not really large. Large estate type lots are planned for the upper section of the property. There could be some areas for PUDs. There has been a lot of time spent with placing the roads on this property. All of the roads are less than a 12% slope and the main roads will be 60 feet wide rather than 54 feet. Some of the side roads may have to be 54 feet wide. A variance will be needed to do some cuts and fills. There will be three water tanks placed in appropriate areas. Mr. Marshall presented the video for the Planning Commission Members.

Mr. Marshall mentioned that the development will have a lot of open space which can be used

for parks, walking trails, parking lots, etc. If the City has any interest in controlling some or all of the open spaces, they can be deeded over to the City. Mr. Marshall has prepared a rough draft to reflect lots, open space, roads etc. to get a general idea of what can be done with this property.

This is just a design for tonight's illustration. Some changes will be made for the preliminary site plan approval subject to the approval of Staff.

Rusty Mahan has some concerns about the second access to the property. The plan shows two accesses, but the upper one will not be available soon. Paul Rowland also has some concerns with the second access and the ownership of the open spaces? He asked what the 160 acres of privately owned property are going to be used for? Mr. Rowland mentioned that the public is becoming concerned about access to public land.

Mr. Marshall mentioned that there is an easement that connects with Eagle Wood Development.

Mr. Marshall and the City need to meet with North Salt Lake to work out an agreement on the easement. The proposal, for the easement area, is to have this area dedicated as a public street. If Highland Oaks Subdivision is willing to do so, the upper section of the 160 acres could be connected with Highlands Oaks for access to the Glade Property as well as access to the public lands. There is an area that the City could own and use for a parking space for access to the public lands. As a developer we cannot disturb any ground with a 30% slope. As a City, maybe the trails could be created. For this reason the development will deed these areas to the City.

Ken Cutler made a motion to grant conceptual approval of the newly annexed Glade Property with the following main issues to be dealt with for approval:

1. A Second access is absolutely critical.
2. Resolution of ownership of the open space.
3. Location of the reservoir.
4. A detention basin.
5. Any other issues that need to be met.

Dean Thurgood seconded the motion and voting was unanimous.

### **Zoning Ordinance Amendments**

1. Consider zoning ordinance amendments relating to group homes for the elderly and for the disabled.

Blaine Gehring explained that at the first of the year, someone came to the City to apply for a

building permit for a group home for the elderly. Using the current ordinance and State Law this would require a conditional use permit. At this same time the 1997 Utah Legislature passed a bill which requires cities to adopt an ordinance which will allow group homes for the disabled in all residential areas as a permitted use. Our ordinance currently allows such homes as permitted uses in all residential zones except R-1 zones where they are conditional uses. In addition, we allow group homes for the elderly as permitted uses in all residential zones except R-1 zones where they too are conditional uses. We need to amend our ordinance to place the group homes for the disabled as a permitted use in all residential zones and better define the process for approving such homes for the disabled and elderly.

Russell Mahan, City Attorney, has drafted the ordinance to accomplish the needed changes. The ordinance places the group homes for the disabled as a permitted use in the R-1 Zone, redefines the conditions for such homes by adding two new sections to Chapter 14 Supplementary Standards, and amends the residential use classifications by referring to these sections as conditions for approval.

Mr. Mahan explained that the State has passed a new law to be in conformity with the Federal Fair Housing Act that states that if a person is licensed as a residence for persons with a disability it is a permitted use in a R-1 Zone. There is another category for residential facilities for the elderly. The current ordinance allows these uses with a conditional use permit. With the changes to the State Law these are now permitted uses. Mr. Mahan has amended the current ordinance to come into conformity with the State Law.

There was a discussion on what the definition is for elderly and disabled and what type of control does the City have with these facilities. The City will not give up any of their rights when these facilities are license by the State. If any person requesting either type of facility has to be licensed with the State, both the State Health Department and Department of Human Services will not issue a license without the approval of the City. The City has control of making sure that all ordinances and zoning are met before the State will issue their license.

Mark Green made a motion for the adoption of the Ordinance No. 97-\_\_\_\_ as recommended by Staff. Sam Fowler seconded the motion and voting was unanimous.

Meeting adjourned at 8:45 P.M.